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Trustee

8
9 **UNITED STATES BANKRUPTCY COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **NORTHERN DIVISION**

12 In re
13 HVI CAT CANYON, INC.,
14 Debtor.

Case No. 9:19-bk-11573-MB

Chapter 11

**TRUSTEE'S NOTICE OF MOTION FOR
ORDER EXTENDING THE TIME
WITHIN WHICH TO ASSUME OR
REJECT ANY AND ALL UNEXPIRED
LEASES OF NONRESIDENTIAL REAL
PROPERTY**

Date: November 21, 2019
Time: 2:30 p.m.
Place: Courtroom 201
1415 State Street
Santa Barbara, California

20
21 PLEASE TAKE NOTICE that on November 21, 2019, at 2:30 p.m., in Courtroom 201 of
22 the U.S. Bankruptcy Court for the Central District of California, located at 1415 State Street, Santa
23 Barbara, California, Michael A. McConnell, the Chapter 11 trustee (the "Trustee") for the estate of
24 HVI Cat Canyon, Inc. (the "Debtor"), will and hereby does move for an order extending the time
25 within which the Trustee may assume or reject any and all unexpired leases of nonresidential real
26 property (the "Motion"). The Motion has been filed contemporaneously herewith.

27 The Trustee seeks an order extending through and including February 20, 2020, without
28 lapse, the time within which the Trustee may assume or reject any and all unexpired leases of

1 nonresidential real property. The Trustee believes that the Court should extend the time within
2 which the Trustee may assume or reject any and all unexpired non-residential real property leases
3 because, due to the Trustee's appointment less than a month ago, the Trustee has not had adequate
4 time to ascertain the universe of the Debtor's leases, review such leases, or determine which leases
5 contain idle or performing oil wells. The Trustee needs additional time to collect and analyze the
6 Debtor's various non-residential real property leases.

7 PLEASE TAKE FURTHER NOTICE that the Motion is based upon this Notice, the
8 Memorandum of Points and Authorities, Declaration of Michael A. McConnell, and Request for
9 Judicial Notice, all attached to the Motion, the papers and pleadings on file in this case, and such
10 other evidence as may be presented to the Court. A complete copy of the Motion is available from
11 the Clerk of the Court. An electronic copy can be obtained by request to the undersigned counsel
12 for the Trustee.

13 PLEASE TAKE FURTHER NOTICE that the Trustee is also filing concurrently herewith
14 an application to shorten time for the hearing on this Motion (the "Application"), although the
15 Court orally set the hearing and deadlines herein. Any response may be raised at the hearing.
16 Failure to respond may be deemed consent to the granting of the Motion.

17
18 DATED: November 14, 2019

DANNING, GILL, ISRAEL & KRASNOFF, LLP

19
20 By: 

21 ERIC P. ISRAEL

22 Attorneys for Michael A. McConnell, Chapter 11
Trustee

23 DATE OF MAILING: November 14, 2019
24
25
26
27
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1901 Avenue of the Stars, Suite 450, Los Angeles, CA 90067-6006.

A true and correct copy of the foregoing document entitled (*specify*): TRUSTEE'S NOTICE OF MOTION FOR ORDER EXTENDING THE TIME WITHIN WHICH TO ASSUME OR REJECT ANY AND ALL UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) November 14, 2019 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL: On (*date*) November 14, 2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

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c/o Capitol Corporate Services, Inc.
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Brighton, CO 80601

Debtor
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New York, NY 10111

Brian D Fittipaldi
United States Department of
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1415 State Street
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Santa Barbara, CA 93101

☒ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) November 14, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

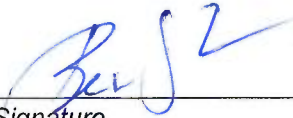
BY OVERNIGHT MAIL
The Honorable Martin R. Barash
U.S. Bankruptcy Court
21041 Burbank Blvd., Suite 342
Woodland Hills, CA 91367

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 14, 2019
Date

Beverly Lew
Printed Name


Signature

ADDITIONAL SERVICE INFORMATION (if needed):

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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